

**BALL JANIK** LLP

A T T O R N E Y S

1455 F STREET, NW, SUITE 225  
WASHINGTON, D.C. 20005

www.balljanik.com

TELEPHONE 202-638-3307  
FACSIMILE 202-783-6947

KARL MORELL



December 7, 2005

BY HAND DELIVERY

The Honorable Vernon Williams  
Surface Transportation Board  
1925 K Street, N.W., Suite 715  
Washington, DC 20423-0001

1

BOARD

Re: STB Docket No. AB-6 (Sub-No. 435X), BNSF Railway Company –  
Abandonment Exemption – In Whiteside County, IL  
STB Docket No. AB-987X, Iowa, Chicago & Eastern Railroad  
Corporation – Abandonment Exemption – In Whiteside County, IL

215307  
215308

Dear Secretary Williams:

Attached for filing are the original and ten copies of joint Notices of Exemption under 49 C.F.R. § 1152.50. Also attached is a check for \$6,000 to cover the two filing fees.

Please time and date stamp the extra copy of the Notices of Exemption and return it with our messenger.

If you have any questions, please call me.

Sincerely,

Karl Morell

Enclosure

8

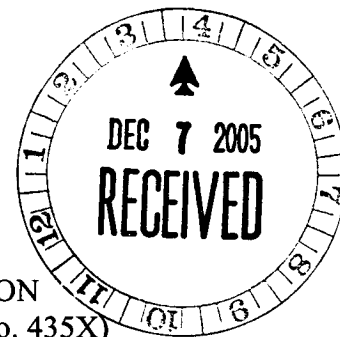
Enclosures

FILED

1

**BEFORE THE**

**SURFACE TRANSPORTATION BOARD**



Abandonment of a line of Railroad  
Between BNSF M.P. 20.31 near Albany,  
Rock Island County, Illinois and M.P. 25.40  
near Albany, Whiteside County, Illinois

NOTICES OF EXEMPTION  
Docket No. AB-6 (Sub-No. 435X)  
Docket No. AB-987X

TO THE SURFACE TRANSPORTATION BOARD:

BNSF Railway Company ("BNSF") and the Iowa, Chicago & Eastern Railroad Corporation ("ICE") hereby notify the Board that BNSF intends to abandon, and ICE intends to discontinue service over, the line of railroad located between M.P. 20.31 and M.P. 25.40, near Albany, Illinois, a total distance of 5.09 miles (the "Line"), pursuant to the Board's Exemption of Out of Service Rail Lines, 49 C.F.R. § 1152.50, and in support of the Notice, respectfully provide the following information:

- I. Proposed consummation date for the abandonment.

January 26, 2006

- II. Certification required in 49 C.F.R. § 1152.50(b)

The attached Certification of Michael Smith certifies that no formal complaint filed by a user of rail service on this Line (or a state or local government entity acting on behalf of such user) regarding cessation of service by BNSF over the Line is pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the last two years. The attached Verification of Richard A. Batie certifies that no BNSF local traffic has moved over this Line for at least two (2) years and that there is no overhead traffic to be rerouted.

Likewise, the attached Verification and Certification by Edward Terbell certifies that no local traffic has been handled over the Line by ICE for at least two years and any overhead traffic can be rerouted over other lines and that no formal complaint filed by a user of rail service on the Line (or a State or local government entity acting on behalf of such user) regarding cessation of service by ICE over the Line either is pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period.

III. Information required by 49 C.F.R. § 1152.22(a)(1-4), (7), (8) and (e)(4).

(a) General

- (1) Exact name of Applicants.

BNSF Railway Company and Iowa, Chicago &  
Eastern Railroad Corporation

- (2) Whether applicants are common carriers by railroad  
subject to 49 U.S.C. Subtitle IV, Chapter 105.

BNSF and ICE are common carriers by railroad  
subject to 49 U.S.C. Subtitle IV, Chapter 105.

- (3) Relief sought.

BNSF and ICE seek to use the class exemption at 49 C.F.R.  
§ 1152.50 for BNSF to abandon, and for ICE to  
discontinue service over, the Line.

- (4) Detailed map of the subject line.

See Exhibit A.

- (5) Name, title and address of representatives of applicants to whom correspondence should be sent.

Michael Smith  
Freeborn & Peters  
311 S. Wacker Dr., Suite 3000  
Chicago, IL 60606-6677

Karl Morell  
Of Counsel  
Ball Janik LLP  
1455 F Street, N.W.  
Suite 225  
Washington, D.C. 20005

- (6) List of all United State Postal Service ZIP Codes that the line traverses.

The Line traverses United States Postal Service Zip Codes 61230, 61242, and 61252.

- (7) Statement of whether the properties proposed to be abandoned are suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

The right-of-way may be suitable for use for other public purposes such as a trail. On part of the properties involved, title considerations may affect the conveyance of

the land for use other than railroad purposes. Based on information in BNSF's possession, the Line does not contain federally granted rights-of-way. Any documentation in the railroads' possession will be made available promptly to those requesting it.

IV. Level of protection.

The interest of railroad employees will be protected by the conditions imposed in Oregon Short Line R. Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979)

V. Certification that the notice requirements of §§ 1152.50(d)(1) and 1105.11 have been met is attached.

Respectfully submitted,



---

Michael Smith  
Freeborn & Peters  
311 S. Wacker Dr. Suite 3000  
Chicago, Illinois 60606-6677  
Phone: (312) 360-6724  
Fax: (312) 360-6598

Attorney for:  
BNSF Railway Company



Karl Morell  
Of Counsel  
Ball Janik LLP  
1455 F Street N.W., Suite 225  
Washington, D.C. 20005  
(202) 638-3307

Attorney for:  
Iowa, Chicago & Eastern  
Railroad Corporation

Dated: December 6, 2005



**VERIFICATION**

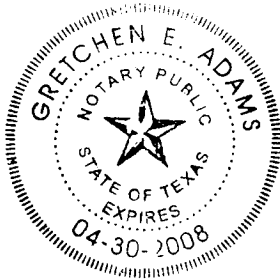
STATE OF TEXAS            )  
  ) \_\_\_\_\_ ss  
COUNTY OF TARRANT    )

Richard A. Batie makes oath and says he is Manager, Network Development in the Network Development department of BNSF Railway Company; that he has been authorized by the Applicant to verify and file with the Surface Transportation Board the foregoing Notice of Exemption in AB-6 (Sub-No. 435X ); that he affirms that the line has had no local traffic in the prior two (2) years and that there is no overhead traffic to be rerouted; that he has carefully examined all of the statements in the Notice; that he has knowledge of the facts and matters relied upon in the Notice; and that all representations set forth therein are true and correct to the best of his knowledge, information, and belief.

Richard A. Batie

Richard A. Batie  
Manager, Network Development

Subscribed and sworn to before me the 4th day of November, 2005.



Gretchen E. Adams  
Notary Public

BNSF RAILWAY COMPANY  
No. AB-6 (Sub-No. 435X)

**CERTIFICATION**

I hereby certify that (1) no formal complaint filed by a user of rail service on this line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line is pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the last two (2) years; (2) service of notice upon the U.S. Department of the Interior, National Park Service, Recreation Park Service, Land Resource Division; the Department of Defense, Military Traffic Management Command; the Illinois Commerce Commission; the Illinois Department of Transportation; and the Chief Forest Service, U.S. Department of Agriculture was accomplished by mailing a copy thereof on November 16, 2005; (3) the environmental and historic reports were served upon the agencies identified in 49 C.F.R. § 1105.7(b) and the State Historic Preservation Offices on November 16, 2005; (4) service of notice upon the State Clearinghouses was accomplished by mailing a copy thereof on November 16, 2005; and (5) the publication requirements of 49 C.F.R. § 1105.12 have been complied with, to wit: publication of notice was accomplished on November 21, 2005 in the *Sterling Daily Gazette* and the *Rock Island Argus*, affidavit of publication is attached.



Michael Smith  
Freeborn & Peters  
311 S. Wacker Dr. Suite 3000  
Chicago, Illinois 60606-6677  
Phone: (312) 360-6724  
Fax: (312) 360-6598

Date: December 6, 2005



# Dispatch-Argus

## BILLING INFORMATION

ACCOUNT #	217903	AD START DATE	11/21/05	AD STOP DATE	11/21/05
AD #	345312	INSERTIONS	1	CLASSIFICATION	2227
AMOUNT	\$60.00			INCHES	6.667
DUE UPON RECEIPT		DESCRIPTION	Intent to Abandon-BNSF-A		

Thank you for giving us the opportunity to serve you! If you have any questions regarding this invoice, please contact us at 309-757-4901. We are open Monday - Friday 8:00 a.m. - 5:30 p.m.

Billing Address - 1720 5th Avenue, Moline, IL 61265-7997

RETAIN THIS PORTION FOR YOUR RECORDS

## CERTIFICATE OF PUBLICATION

The undersigned, the MOLINE DISPATCH PUBLISHING COMPANY L.L.C., hereby certifies that it is a Limited Liability Company, existing and doing business under the laws of the State of Delaware, licensed to do business in the State of Illinois, and states that it is publisher of THE DISPATCH and THE ROCK ISLAND ARGUS daily, public, secular newspapers of general circulation printed and published daily in the City of Moline, County of Rock Island, State of Illinois, and further certifies that a notice whereof the annexed printed notice, a true copy, was printed and published in said newspapers, 1 time(s); that said notice was so printed and published in said newspaper 1 time(s) in each week for 1 successive week(s), the date of the first said newspaper containing said notice being the 21st day of NOV A.D. 2005 and the last said newspaper containing said notice being the 21st day of NOV A.D. 2005

Publication Fees \$60.00

MOLINE DISPATCH PUBLISHING COMPANY L.L.C.

By

Moline, Illinois

11/23/2005

STATE OF ILLINOIS }  
ROCK ISLAND COUNTY }

SS.

J. Scott Aswege being first duly sworn on his oath, says that he is the Business Manager of the MOLINE DISPATCH PUBLISHING COMPANY L.L.C. and the facts set forth in the foregoing certificate of publication are true and that the annexed notice was published as therein specified, and that said THE DISPATCH and THE ROCK ISLAND ARGUS have been regularly published in the City of Moline, County of Rock Island, and State of Illinois, for more than one year prior to the date of the first publication of said notice.

Subscribed and sworn to before me this 23 day of NOV 2005

Account/Ad# 217903

Account Name

FREEBORN & PETERSON



*Linda R. Bridgford*

Notary Public

NOTICE  
NOTICE OF INTENT TO ABAN-  
DON

The BNSF Railway Company and the Iowa, Chicago & Eastern Railroad Corporation gives notice that on or after December 7, 2005, they intend to file with the Surface Transportation Board, Washington, DC 20423, an abandonment notice of exemption under 49 CFR 1152 Subpart F. Exempt Abandonments permitting the abandonment of or discontinuance of service on 5.09 miles of railroad line between railroad milepost M.P. M.P. 20.31 to M.P. 25.40 near Albany, Illinois, which line segment traverses through United States Postal Zip Codes 61230, 61242, and 61252 in Rock Island County, Illinois and Whiteside County, Illinois. The proceeding will be docketed as No. AB-6 (Sub-No. 435X) and AB-987X.

The Board's Section of Environmental Analyses (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001 or by calling that office at 202-565-1538.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 K Street, N.W., Washington DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Services at 202-565-1592. Copies of any comments or requests for conditions should be served on the applicant's representative Michael Smith, Freeborn & Peters, 911 S. Wacker Drive, Suite 3000, Chicago, Illinois 60606-6677 - telephone (312) 360-6724.

STATE OF SOUTH DAKOTA )  
 )  
 ) ss.  
COUNTY OF MINNEHAHA )

Executive Vice President of Iowa, Chicago & Eastern Railroad Corporation ("ICE"), that  
I am authorized to make this Verification, and that I have read the foregoing Notice of  
Exemption and know the facts therein are true and accurate as stated to the best of my  
knowledge, information, and belief.

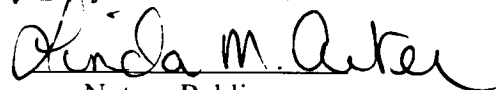
8

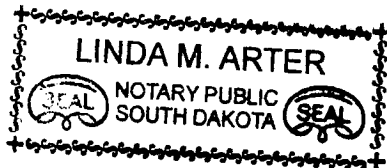
The forgoing certification is made on behalf of ICE by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information, and belief of the undersigned.

  
Edward Terbell

SUBSCRIBED AND SWORN TO before me this 9th day of November, 2005.

My Commission Expires: 01/09

  
Notary Public





BEFORE THE  
SURFACE TRANSPORTATION BOARD

Abandonment of a line of Railroad  
Between BNSF 20.31 near Albany,  
Rock Island County, Illinois and M.P. 25.40  
Near Albany, Whiteside County, Illinois

Docket No. AB-6 (Sub-No. 435X )  
Docket No. AB-987X

**ENVIRONMENTAL REPORT**

The following information is submitted to the Surface Transportation Board by The BNSF Railway Company (BNSF) and the Iowa, Chicago & Eastern Railroad Corporation (ICE) in accordance with the Board's reporting requirements as set forth in 49 C.F.R. § 1105.7 for the purpose of assisting the Board's preparation of an environmental document regarding BNSF's and ICE's Notice of Exemption for abandonment of its line between M.P. 20.31 to M.P. 25.40 near Albany, Illinois, a total distance of 5.09 miles. ICE is discontinuing their operating rights over the line BNSF is abandoning.

**(1) Proposed action and Alternatives:** Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

BNSF seeks to abandon and discontinue service of the line. ICE is discontinuing their operating rights over the line BNSF is abandoning. This may involve the removal of track materials, bridges and structures. A map of the line is attached as Exhibit A.

**(2) Transportation system:** Describe the effect of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

The proposed abandonment will have no affect on existing transportation systems or patterns as the line is out of service.

**(3) Land Use:**

(i) Based on consultation with local and/or regional planning agencies and/or review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

BNSF believes that the proposed exemption will not be inconsistent with local or regional land use plans. The Whiteside County Board and the Rock Island County Board were notified by letters dated May 24, 2005 and June 22, 2005. See Exhibits B and C. As of the date of this report, the Whiteside County Board and the Rock Island Board have not responded directly to those inquiries.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agriculture land.

The proposed exemption should have no effect on prime farmland. There are some soil types that are classified as Prime Farmland. The majority of the prime farmland soils are located between Illinois State Route #84 and the Mississippi River and are not adjacent to the cropland fields. These would not be considered prime farmland due to their location next to "Urban built-up areas". The only exception would be the 7516 Faxon soil type located northeast of Albany, which is next to a cropland field to the north, for approximately 1200 feet in length. This is the only reach where 7516 Faxon would be considered "Prime Farmland". See Exhibit D, letter from the Natural Resources Conservation Service.

(iii) If any action affects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9

N/A

(iv) If the proposed action is abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10906 and explain why.

The right-of-way is suitable for alternative public uses. The Village of Albany has a strong desire to file for an Interim Use Certificate and rail bank the corridor for recreational use. See Exhibit E, letter from the Illinois Department of Natural Resources..

**(4) Energy:**

(i) Describe the effect of the proposed action on transportation of energy.

There are no longer any economically recoverable coal resources along the line.

(ii) Describe the effect of the proposed action on recyclable commodities.

This abandonment and discontinuance will not adversely affect movement or recovery of recyclable commodities as the line is out of service.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

This abandonment will not result in an increase or decrease in overall energy efficiency as the line is out of service.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year, or



(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in the energy consumption and show the data and methodology used to arrive at the figure given.

There will be no diversions of traffic because the line is out of service.

**(5) Air:**

(i) If the proposed action will result in either:

(A). An increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of the line effected by the proposed, or

No.

(B). An increase in rail yard activity of at least 100% (measured by carload activity), or

No.

(C). An average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

The action will not involve an increase in truck traffic of more than 10% or 50 vehicles a day on any affected road segment as the line is out of service.

(ii) If the proposed action affects a Class I or nonattainment area under the Clean Air Act, and will result in either:

(A) An increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three train a day on any segment of rail line, or

(B) An increase in rail yard activity of at least 20% (measured by carload activity), or

(C) An average increase in truck traffic or more than 10-% of the average daily traffic of 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by State implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505) or in a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

The proposed abandonment will not result in an increase of rail or truck traffic because the line is out of service.

(iii) If the transportation of ozone depleting materials (such as nitrogen oxide and from) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

The proposed abandonment will not result in an increase of rail or truck traffic because the line is out of service.

**(6) Noise:** If any of the thresholds identified in item (5)(c) of this section are surpassed, state whether the proposed action will cause:

(i) An incremental increase in noise levels of three decibels Ldn or more,

N/A

(ii) An increase to a noise level of 76 decibels Ldn or greater. If so, identify sensitive receptors (e.g. schools, libraries, hospitals, residences, retirement communities and nursing homes) in the project area and quantify the noise increase for those receptors if the thresholds are surpassed.

N/A

**(7) Safety:**

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad crossings).

This abandonment should have no adverse effect on health or public safety. There are six public crossings and three private crossings. During salvage operations on the line, if any may be required, precautions will be taken to ensure public safety, and contractors will be required to satisfy all applicable health and safety laws and regulations.

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills, and the likelihood of and accidental release of hazardous materials.

Abandonment will not result in transportation of hazardous materials.

(iii) If there are any known hazardous waste site or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

There is no evidence of known hazardous waste site or sites where there have been known hazardous materials spills on the right of way.

**(8) Biological resources:**

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

BNSF believes that the proposed exemption not affect endangered or threatened species or areas designated as critical habitat. The bald eagle (*Haliaeetus leucephalus*) is listed as wintering in Whiteside and Rock Island Counties. The Higgins eye pearlymussel (*Lampsilis higginsii*) is listed for the Mississippi River north of Lock and Dam 20, which includes

Rock Island County, Illinois. In addition, it is known from the Rock River downstream of the Steel Dam, Rock Island County, Illinois. Potentially, it may also occur in Whiteside County, Illinois upstream of Lock and Dam 22 on the Mississippi River. This species prefers sand/gravel substrates with a swift current and is most often found in the main channel border or an open, flowing side channel. The project lies within the range of the freshwater sheepsnose (*Plethobasus cyphus*) and spectaclecase (*Cumberlandia monodonta*) mussels that are declining throughout their national range and are currently Federal Candidate species. At a minimum, project evaluations should contain delineations of whether or not sheepsnose mussel habitat occurs within project boundaries. The eastern prairie fringed orchid (*Platanthera leucophaea*), the prairie bush clover (*Lespedeza leptostachya*), the Indiana bat (*Myotis sodalis*) are known to occur in Illinois, but the US Fish and Wildlife do not have any records of their occurrence in Whiteside and Rock Island Counties. See Exhibits F, letter from the US Fish and Wildlife. The Illinois Department of Natural Resources is of the opinion that no adverse impacts will occur to resources in the area. See Exhibit G, letter from the Illinois Department of Natural Resources.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

BNSF believes the proposed exemption will not affect wildlife sanctuaries or refuges, National or State parks or forests. The major resource present in the project area is the Mississippi River-Cordova

INAI site, which is adjacent to the railroad corridor along the river side. The Department of Natural Resources is of the opinion that no adverse impacts will occur to resources in the area. See Exhibit G, letter from the Illinois Department of Natural Resources. The proposed abandonment lies west of IL Route 84, which is recognized as a portion of the Great River Road and designated as both a National and State Scenic Byway. The portion of railroad right of way between milepost 20.31 and approximately milepost 22.0 is also included in a Levee District, since this portion of IL Route 84 is constructed upon a levee. The railroad right of way lies west of the recreation trail known as the Great River Trail, a 65 mile initiative of 11 cities and villages, 4 townships and 3 counties, including Albany, Illinois. Currently the trail is constructed on a portion of IL Route 84 right of way, utilizes Merridosia Road to the Albany Mounds State Historic Site, then local roads leading north of town. The Great River Trail is also an identified segment in the Grand Illinois Trail, a 500 mile trail initiative facilitated by the Illinois Department of Natural Resources and involving some 95 Federal, State and Local jurisdictions. The right of way lies adjacent to the U.S. Fish & Wildlife Upper Mississippi River National Wildlife and Fish Refuge. Portions of the existing railroad right of way which serve as drainage on either side of the elevated rail line between milepost 20.31 and approximately 22.5 are clearly wetland areas and intermitted submerged. See Exhibit E, letter from the Illinois Department of Natural Resources. There are no federal lands administered by the

Bureau of Land Management along the subject railroad line. See Exhibit H, letter from the Bureau of Land Management.

**(9) Water:**

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

BNSF believes that the proposed exemption will be consistent with applicable Federal, State or local water quality standards. The Illinois EPA was notified by a letters dated May 24, 2005. See Exhibits I and J. As of the date of this report, the Illinois EPA has not responded directly to the inquiry. BNSF will provide the Board copies of any response it may receive.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year floodplains will be affected. Describe the effects.

BNSF believes that the proposed exemption will not require a Section 404 permit. The U.S. Army Corps of Engineers was notified by a letter dated May 24, 2005. See Exhibit K. As of the date of this report, the U.S. Army Corps of Engineers has not responded directly to the inquiry. BNSF will provide the Board copies of any response it may receive.

BNSF believes that the proposed exemption will not affect the 100-year floodplains. The right of way is located in a Zone A FEMA flood zone. See Exhibit L, letter from the Whiteside County Planning and Zoning..

(iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action. (Applicants should contact

the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required).

BNSF believes that Section 402 permits will not be required for the proposed action. The Illinois EPA was notified by a letters dated May 24, 2005. See Exhibits I and J. As of the date of this report, the Illinois EPA has not responded directly to the inquiry. BNSF will provide the Board copies of any response it may receive.

**(10) Proposed Mitigation:** Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Any salvage operations that may result will be in accordance with BNSF's general practice of requiring its private contractors to comply with all federal, state and local laws and regulations pertaining to the environment, including, but not limited to noise, air quality, water quality, and items of archaeological significance. The project itself should mitigate the environmental effects of reinstating active rail operations.

Respectfully Submitted,



Michael Smith  
Freeborn & Peters  
311 S. Wacker Dr. Suite 3000  
Chicago, Illinois 60606-6677  
Phone: (312) 360-6724  
Fax: (312) 360-6598

Date: December 6, 2005

BEFORE THE  
SURFACE TRANSPORTATION BOARD

Abandonment of a line of Railroad  
Between BNSF 20.31 near Albany,  
Rock Island County, Illinois and M.P. 25.40  
Near Albany, Whiteside County, Illinois

Docket No. AB-6 (Sub-No. 435X )  
Docket No. AB-987X

**HISTORICAL REPORT**

The following is submitted to the Surface Transportation Board by BNSF Railway Company (BNSF) and the Iowa, Chicago & Eastern Railroad Corporation (ICE) in accordance with the Board's reporting requirements set forth in 49 C.F.R. § 1105.8 for the purpose of assisting the Board's environmental and historical assessment regarding BNSF's Notice of Exemption to abandon its line of railroad between M.P. 20.31 near Albany, Rock Island County, Illinois to M.P. 25.40 near Albany, Whiteside County, Illinois, a total distance of 5.09 miles. ICE is discontinuing their operating rights over the line BNSF is abandoning.

(1) A U.S.G.S. topographic map (or alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of the railroad structures that are 50 years old or older and are part of the proposed action;

One copy of a U.S.G.S. Topographical map has been provided to the Illinois Historic Preservation Agency and one copy is being provided to the Surface Transportation Board's Section of the Environmental Analysis upon filing of this Report.

(2) A written description of the right-of-way (including approximate widths, to the extent known) and the topography and urban and/or rural characteristics of the surrounding area:



The right of way is generally 100 feet wide. The line goes through the village of Albany, Illinois which had a 2000 population of 895. The right of way is both rural and urban. Albany is the only station on the line. Albany is located in Whiteside County, Illinois which had a 2000 population of 60,653. The adjoining real estate is located on a bluff overlooking the Mississippi River.

(3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

There are two bridges that are 50 years or older in the immediate area of the abandonment. See Exhibit M.

(4) The date(s) of construction of the structures, and the date(s) and extent of any major alterations, to the extent such information is known;

The dates of construction of the bridges are included with the photographs. See Exhibit M.

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

The right of way was acquired by The Mississippi Railroad Company. The Mississippi Railroad Company was a predecessor of the Chicago Milwaukee St Paul & Pacific Railroad (CMSTP&P). The CMSTP&P sold its interest in the trackage to the SOO Line Railroad (SOO) which in turn was acquired by the Canadian Pacific Railroad (CP). In 1995 The Burlington Northern & Santa Fe Railway (BNSF) acquired this trackage. In January 2005 BNSF changed its name to BNSF Railway.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is to be historic;

Documents in BNSF's possession concerning this abandonment may include alignment maps showing the right-of-way and/or station maps. Such documents are too large for practical reproduction in this report, but can be furnished upon request, if they are available.

(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archaeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);

To the best of BNSF's knowledge, the proposed abandonment should have no appreciable effects on any known sites or properties listed, or eligible for listing in the National Register of Historic Places. The Illinois Historic Preservation Agency was notified by a letter dated August 16, 2005. See Exhibit N. As of the date of this report, the Illinois Historic Preservation Agency has not responded directly to the inquiry. BNSF will provide the Board copies of any response it may receive.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archaeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

BNSF is not aware of any known prior subsurface ground disturbance or fill or any other environmental conditions (naturally occurring or man-made) that might affect the recovery of archaeological resources.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael Smith', with a horizontal line underneath.

Michael Smith  
Freeborn & Peters  
311 S. Wacker Dr. Suite 3000  
Chicago, Illinois 60606-6677  
Phone: (312) 360-6724  
Fax: (312) 360-6598

Date: December 6, 2005

**CERTIFICATION PURSUANT TO 49 C.F.R.1105.7(c)**

BNSF Railway Company ("BNSF") by and through its authorized representative, Michael Smith, certifies that on November 16, 2005, BNSF sent copies of the foregoing Environmental and Historical Reports by first class mail to the following agencies:

Ms. Victoria Rutson  
Chief, SEA  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, DC 20423-0001

Anne Haaker  
Deputy State Historic Preservation Officer  
Illinois Historic Preservation Agency  
#1 Old State Capitol Plaza  
Springfield IL 62701-1507

Marcia Sieckman  
Acting Team Lead Natural Resources  
Bureau of Land Management  
Milwaukee Field Office  
626 East Wisconsin Avenue, Suite 200  
Milwaukee, WI 53202

Steve Hamer  
Transportation Review Program  
Illinois Department of Natural Resources  
Illinois Endangered Species Protection  
Board  
One Natural Resources Way  
Springfield, IL 62702-1271

George Bellovics  
Landscape Architect  
Illinois Department of Natural Resources  
Office of Realty and Environmental  
Planning  
Region I Office  
2317 East Lincolnway, Suite A  
Sterling, IL 61081

Tony Arduini  
Whiteside County Board Chairman  
200 East Knox Street  
County Courthouse  
Morrison, IL 61270-2809

William Shirk  
Winstine, Shirk & Buckwalter-Schurman  
301 East Main Street  
Morrison, IL 61270

E. Stuart Richter  
Planning and Zoning Administrator  
Whiteside County Planning and Zoning  
Whiteside County Courthouse  
200 East Knox Street  
Morrison, IL 61270

Rock Island County Board  
210-15 Street  
Rock Island, IL 61201-8612

U.S. Army Corps of Engineers  
Rock Island District  
Clock Tower Building  
P.O. Box 2004  
Rock Island IL, 61204-2004

Richard Nelson  
Field Supervisor  
U.S. Fish & Wildlife Service  
Rock Island Field Office  
4469 48th Avenue Court  
Rock Island, IL 61201

Mark Kaiser  
District Conservationist  
Natural Resources Conservation Service  
1021 North Grand Ave. East Morrison  
Service Center  
16255 Liberty St  
Morrison, IL 61270

Marilyn Davenport  
Illinois EPA  
Office of Small Business - #38  
P.O. Box 19276  
Springfield, IL 62794-9276

Illinois EPA  
Bureau of Water  
P.O. Box 19276  
Springfield, IL 62794-9276

Robyn Thorson  
Regional Director  
U.S. Department of the Interior  
Fish and Wildlife Service  
1 Federal Drive  
Fort Snelling, MN 55111

William J. Gradle  
State Conservationist  
Natural Resources Conservation Service  
2118 W. Park Court  
Champaign, IL 61821

Ernie Quintana  
Regional Director  
National Park Service  
Midwest Region  
601 Riverfront Drive  
Omaha, NE 68102-4226

U.S. Environmental Protection Agency  
Region 5  
77 W. Jackson Blvd.  
Chicago, IL 60604

Illinois Department of Transportation  
2300 S. Dirksen Pkwy.  
Springfield, IL 62764

Illinois Commerce Commission  
527 East Capitol Ave  
Springfield, IL. 62701

Richard Snay  
National Geodetic Survey  
NOAA - SSMC3  
1315 East-West Highway  
Silver Spring, MD 20910

The required cover letters (pursuant to 49 C.F.R. 1105.11) are attached hereto. BNSF has consulted with all appropriate agencies in preparing the reports.



---

Michael Smith  
Freeborn & Peters  
311 S. Wacker Dr. Suite 3000  
Chicago, Illinois 60606-6677  
Phone: (312) 360-6724  
Fax: (312) 360-6598  
Date: December 6, 2005